

From: Joseph L. Brown
To: Microsoft ATR
Date: 11/16/01 11:00pm
Subject: Unsatisfactory MicroSoft Anti-Trust Settlement

To whom it may concern;

Sirs, I feel very strongly that the current settlement of the MicroSoft Anti-Trust case is insufficient and deeply flawed. MicroSoft has been found guilty of being a predatory monopoly, and of repeated abusing its overwhelming market position to bankrupt its competitors and strong-arm PC retailers into restrictive and monopoly-power-enhancing licensure 'agreements'.

The primary complaint against MicroSoft is not the content of its software - though a case probably could be made of such - but rather its flagrant disregard for the law and blatantly abusive marketing practices.

As an example of MicroSofts disregard for the law, you need look no further than their most recently released 'Operating System' (OS) Windows XP. Even in the midst of being prosecuted (and after a judgement against them) for predatory marketing practices in the form of software bundling (a la Windows 98 and MicroSoft Internet Explorer) they have developed and RUSHED TO MARKET an operating system which offers only a very incremental improvent in performance - but instead is BUNDLED with far more software. Microsoft might argue that the Software is an intrensicly useful part of the OS; of course, that argument has previously been ruled against in court. MicroSoft might argue that some of the newly integrated software may be Opted-Out of; and of course everyone surly realizes that opt-out services have been examined in court and found to be far less desirable than Opt-In choices.

The penalties imposed upon MicroSoft are virtually meaningless; MicroSoft has been so wildly profitable as to make W. Gates fantastically wealthy - some US\$ 56 Billion or more if memory serves.

Any fine levied will be an insignificant fraction of MicroSofts assets; any program(s) whose source must be opened to public scrutiny will be similarly insignificant - MicroSoft could simply release a 'new' piece of software and use its market abuses to make it the new de facto standard. A 'More Of The Same' solution will NOT be effective. Quite simply, MicroSoft MUST be split into at least two mutually exclusive sections; an Operating Systems section and an Applications Software section.

Please note that MicroSoft is a 'Vertically Integrated' monopoly - much like Standard Oil was; it controls not only the production of a resource (computing power made available through the operating system, similar to Standard Oils control of oil production through ownership of refineries) but uses this control to select who can compete to retail it (the companies who write application software to must face unfair pricing when they attempt to compete with MicroSofts own products, much like the Gasoline retailers attempting to make a profit against Standard Oils retailers, while being in the unenviable position of having to buy their gaoline from Standard Oils refineries). It is the continual abuse

of this 'Vertically Integrated' structure which has lead to MicroSoft being found GUILTY of being a Predatory Monopoly; and so any lasting solution MUST address this issue. Any failure to split MicroSofts Operating System away from MicroSofts Application Software will forever fall badly short of preventing future abuses.

I sincerely hope that no settlement LESS than the splitting off of the Operating System Unit will be reached; thank you for your consideration in this matter.

Joseph L. Brown